

CHAPTER 7 REGIONAL PLANNING COMMISSIONS

This chapter is designed to summarize certain laws, regulations and uniform compliance guidelines relevant to regional planning commissions. Please refer to the Indiana Code and other related documents listing of laws and regulations governing regional planning commissions. See chapter 10 through 24 of this manual for additional Accounting and Compliance Guideline.

ORGANIZATION

IC 36-7-7-1 states: "This chapter applies to any area consisting of two (2) or more counties (referred to as 'region' in this chapter)."

ESTABLISHMENT

The legislative bodies of all the counties in a region may, by concurrent resolutions, request the establishment of a regional planning commission (referred to as a "commission"). Official copies of the resolutions must be forwarded to the Governor, who shall then appoint himself or a member of his staff to immediately notify the other members of the commission and to act as temporary chairman for the election of officers. The commission shall, by resolution, designate a name for itself that reflects the commission's role and function and that may include the words "Regional Planning Commission."

IC 36-7-7-2(b) applies to each commission established after July 1, 1978. A county participating in a commission is not subject to the tax imposed under IC 36-7-7-12, unless all the concurrent resolutions establishing the commission accept the application of the tax. [IC 36-7-7-2]

CHANGE IN PARTICIPATION OF COUNTY FROM ONE COMMISSION TO ANOTHER

A county may request a change in its participation from one commission to another, or request to join a commission if it is not participating, under IC 36-7-7-3(b).

The legislative body of the county must, by resolution, request the inclusion of the county in the commission. The county auditor shall transmit a copy of the resolution to the Governor, the chairman of the commission, and, if applicable, the chairman of the commission that the county is requesting to leave.

The commission to be joined may consider a request under IC 36-7-7-3(b). It may, by a majority vote of all its members, adopt a resolution including the requesting county in the commission.

Whenever a resolution is adopted under IC 36-7-7-3(c), the chairman of the commission shall call a meeting to organize the enlarged commission. He shall call to this meeting all members of the commission plus:

- (1) If the new county is changing its participation from one (1) commission to another, the persons from that county who served on the commission that the county is leaving; or
- (2) If the new county has not been participating, a representative of the executive of that county. [IC 36-7-7-3]

APPOINTMENT OF MEMBERS

The following members of the commission shall be appointed from each county in the region:

- (1) A representative of the county executive, who may be either a member of the executive or a person appointed by it.
- (2) A representative of the county fiscal body, who must be a member of the fiscal body.

The following members of the commission shall be appointed from each county in the region having a population of more than fifty thousand (50,000):

- (1) The county surveyor or a person appointed by him.
- (2) Two (2) persons appointed by the executive of each municipality having a population of more than fifty thousand (50,000).
- (3) Except for a commission in which Lake County participates, one (1) person appointed by the executive of each of the seven (7) largest municipalities having a population of less than fifty thousand (50,000). If there are fewer than seven (7) municipalities, enough additional persons appointed by the county executive to bring the total appointed under IC 36-7-7-4(b) to seven (7).
- (4) For a commission in which Lake County participates, the membership is as follows:
 - (A) For a county having a population of not more than four hundred thousand (400,000), one (1) person appointed by the executive of each of the eight (8) largest municipalities having a population of less than fifty thousand (50,000).
 - (B) For Lake County, one (1) person appointed by the executive of each city having a population of less than fifty thousand (50,000) and one (1) person appointed by the executive of each of the five (5) towns with the largest population.

The following members of the commission shall be appointed from each county in the region having a population of less than fifty thousand (50,000):

- (1) One (1) person appointed by the executive of each of the five (5) largest municipalities, or of each municipality if there are fewer than five (5).
- (2) If there are fewer than five (5) municipalities, enough additional persons appointed by the county executive to bring the total appointed under IC 36-7-7-4(c) to five (5).

One (1) voting member of the commission shall be appointed by the Governor.

At least two-thirds (2/3) of the commission members must be elected officials. All persons appointed to the commission must be:

- (1) Knowledgeable in matters of physical, social, or economic development of the region; and
- (2) Residents of the municipality, county, or region that they represent. A member of the commission may also serve as a member of a plan commission in the region.

Members of the commission shall serve without salary but may be reimbursed for expenses incurred in the performance of their duties.

The respective appointing authorities shall certify their appointments, and the certification shall be retained as a part of the records of the commission.

IC 36-7-7-4(h) applies to a commission that does not include members from Lake County. If a vacancy occurs by resignation or otherwise, the respective appointing authority shall appoint a member for the unexpired term. Members shall be certified annually, and their terms expire on December 31 of each year. [IC 36-7-7-4]

CHANGES IN COMMISSION MEMBERSHIP

IC 36-7-7-4.1(a) applies to a commission in which Lake County participates.

Each member serves at the pleasure of the appointing authority. The appointing authority shall give written notice to the commission of a change of an appointee and of the effective date of that change.

If a vacancy occurs by resignation or otherwise, the appointing authority shall promptly appoint a replacement member.

If a member of the commission is absent for more than three (3) consecutive meetings of the full commission, the commission shall notify that member's appointing authority and request the appointing authority to do one (1) of the following:

- (1) Replace the member.
- (2) Take action to assure the member's conscientious attendance at meetings of the full commission. [IC 36-7-7-4.1]

ELECTION OF OFFICERS AND MEETINGS

At its first regular meeting in each year the commission shall elect from its members a chairman, vice chairman, secretary, and a treasurer, not more than two (2) of whom may be from the same county. If the region is divided into subregions under IC 36-7-7-10, there must be at least one officer from each subregion. The vice chairman may act as chairman during the absence or disability of the chairman.

The commission shall fix the time and place for holding regular meetings, but it shall meet at least quarterly and at such other times as may be established by the commission or the executive board. Special meetings of the commission may be called by the chairman or by five (5) members of the commission upon written request to the secretary. The secretary shall send to all the members at least forty-eight (48) hours in advance of a special meeting a written notice fixing the time and place of the meeting. Written notice of a special meeting is not required if the time of the special meeting has been fixed in a regular meeting, or if all the members are present at the special meeting. Notice of any meeting may be waived by a member by a written waiver filed with the secretary.

The commission shall adopt rules for the transaction of business and shall keep a record of its resolutions, transactions, findings, and determinations, which is a public record.

A majority of members constitutes a quorum. An action of the commission is official, however, only if it is authorized by a majority of the commission at a regular or properly called special meeting with at least one (1) member from each county in the region present. [IC 36-7-7-5]

EXECUTIVE BOARD

The commission shall elect from among its members an executive board consisting of:

- (1) The four (4) officers of the commission;
- (2) One (1) member of the commission from each county in the region;
- (3) One (1) additional member of the commission from each county in the region having a population of more than fifty thousand (50,000); and
- (4) The nonvoting member of the commission appointed by the Governor.

All members shall be elected by a vote of the full membership of the commission.

If a vacancy occurs in the executive board a successor shall be elected from among the members in the same manner as the member whose position has been vacated.

The executive board shall conduct the business of the commission, except for:

- (1) The adoption and amendment of bylaws, rules, and procedures for the operation of the commission;
- (2) The election of officers and members of the executive board as provided in IC 36-7-7; and
- (3) The adoption of the annual appropriation budget after review by the executive board.

The executive board shall meet regularly at least once each month, unless otherwise determined by its members. The executive board shall notify the full membership of the commission of all its meetings with copies of its preliminary or final agendas and shall report all its actions and determinations to the full membership of the commission.

A majority of members constitutes a quorum. An action of the executive board is official, however, only if it is authorized by a majority of the board at a regular or properly called special meeting. Any action of the executive board shall be reviewed at the next regular meeting of the commission following the executive board's action, and upon the written request of a member of the commission, the action shall be brought to a vote of the full commission. [IC 36-7-7-6]

POWERS AND DUTIES

The commission shall institute and maintain a comprehensive policy planning and programming and coordinative management process for the region. It shall coordinate its activities with all units in the region and shall coordinate the planning programs of all units and the state. Except when a commission exercises powers under IC 36-7-7-7(j), the commission shall act in an advisory capacity only.

The commission may provide technical assistance to any unit in the region that requests it. This technical assistance includes the provision of skills and knowledge for planning, developing, administering, improving, and securing:

- (1) Public and private grants-in-aid;
- (2) Cooperative arrangements between governments; and
- (3) The performance of governmental powers and duties.

The commission may divide its jurisdiction into subregions under IC 36-7-7-10 for purposes appropriate to the study, analysis, or coordination of specific problems or concerns. The commission may conduct all necessary studies for the accomplishment of its duties. It may publicize and advertise its purposes, objectives, and findings and may distribute reports on them. It may provide recommendations when requested to the participating units and to other public and private agencies in matters relative to its functions and objectives and may act when requested as a coordinating agency for programs and activities of such agencies as they relate to its objectives. The commission may not implement, enter into an agreement for, or propose a program that includes interstate wastewater management or disposal.

The commission may adopt by resolution any regional comprehensive or functional plan, program, or policy as its official recommendation for the development of the region, subject to the power of a county to exempt itself under IC 36-7-7-9. The commission shall make an annual report of its activities to the legislative bodies of the counties and municipalities in the region.

The commission may receive grants from federal, state, or local governmental entities or from individuals or foundations, and may enter into agreements or contracts regarding the acceptance or use of those grants and appropriations for the purpose of carrying out any of the activities of the commission. A county or municipality may, from time to time upon the request of the commission, assign or detail to the commission any employees to make special surveys or studies requested by the commission.

For the sole purpose of providing adequate public services, the commission may acquire by grant, gift, purchase, lease, devise, or otherwise and hold, use, improve, maintain, operate, own, manage, or lease (as lessor or lessee) such real or personal property as the commission considers necessary for that purpose. The commission may apply for, receive, and expend grants, loans, or any other form of financial assistance available under any federal grant program.

The commission may enter into coordinative arrangements with any adjacent county or municipality in Indiana or an adjoining state, or with an overlapping multicounty or interstate planning or development agency, state agency, or federal agency, as are appropriate to the achievement of its objectives or to address a common issue. However, the commission may not delegate any of its powers or duties.

The commission may appoint advisory committees to assist in the achievement of its objectives. Members of advisory committees are not entitled to compensation for their services but may be reimbursed for expenses incurred in the performance of their duties.

The commission shall act at the designated review agency and as the clearinghouse as described in federal Office of Management and Budget Circular A-95.

The commission may provide administrative, management, or technical services to a unit that requests the services. The unit and the commission may enter into a contract concerning the commission's provision of administrative, management, or technical services and the cost to the unit for the services. [IC 36-7-7-7]

AGREEMENTS WITH OTHER STATES - CONTRACTS AMONG SUBREGIONS

Counties in the region may enter into agreements with other states, but these agreements do not affect other counties, subregions, or the region. One subregion may also contract with other subregions for services or programs. [IC 36-7-7-8]

PREVENTING IMPLEMENTATION OF PROGRAM BY PETITION

Whenever the commission receives a petition signed by a majority of the commission members representing a county affected by a particular program, objecting to the establishment of the program within that county, the commission may not implement the program in that county. [IC 36-7-7-9]

SUBREGIONAL COMMITTEES

A commission may organize into not more than two (2) subregions and provide for the organization of two (2) subregional planning committees, and for meetings and rules of procedure of those committees. These rules of procedure shall be adopted as a part of the rules and bylaws of the commission.

The actions of each subregional committee shall be referred to the other for review. The executive director and staff of the commission shall serve both subregional committees. Each subregional committee shall consider problems that do not directly affect the other subregion. Each subregional committee may hold meetings and elect a chairman and secretary from among its own members. [IC 36-7-7-10]

APPOINTMENT AND DUTIES OF EXECUTIVE DIRECTOR

The commission shall appoint an executive director who shall serve at the pleasure of the commission as reviewed and recommended by the executive board. The executive director must be qualified by training and experience in the management of public agencies and knowledgeable in planning.

The executive director is the chief administrative officer and regular technical advisor of the commission. Subject to supervision by the commission, the executive director:

- (1) Shall execute the commission functions;
- (2) Shall appoint and remove the staff of the commission;
- (3) Shall submit to the commission annually, or more often if required, a status report on the operation of the agency;
- (4) May, with the approval of the executive board, execute contracts, leases, or agreements on behalf of the commission with other persons;
- (5) Is entitled, upon his written request, to be given access by all governmental agencies to all studies, reports, surveys, records, and other information and material in their possession that are required by him for the accomplishment of the activities and objectives of the commission;
- (6) Shall propose annually a budget for the operation of the commission and administer the budget as approved by the commission;
- (7) Shall keep the records and care for and preserve all papers and documents of the commission; and
- (8) Shall perform other duties and may exercise other powers that the commission or the executive board delegates to him. [IC 36-7-7-11]

ANNUAL APPROPRIATION BUDGET

The commission shall prepare and adopt an annual appropriation budget for its operation, which shall be apportioned to each participating county on a pro rata per capita basis. After adoption, any amount that does not exceed an amount for each participating county equal to:

- (1) Seventy cents (\$0.70) per capita for each participating county in a commission in which Lake County participates; and
- (2) Thirty cents (\$0.30) per capita for all other commissions;

shall be certified to the respective county auditor who shall advertise the amount and establish the rate in the same manner as other county budgets. Any amount of the adopted budget that exceeds an amount equal to seventy cents (\$0.70) per capita for each participating county in a commission in which Lake County participates and thirty cents (\$0.30) per capita for each participating county for all other commissions is subject to review by the county fiscal body in the usual manner of budget review. The tax so levied and certified shall be estimated and entered upon the tax duplicates by the county auditor and shall be collected and enforced by the county treasurer in the same manner as other county taxes are estimated, entered, collected, and enforced. The tax, as collected by the county treasurer, shall be transferred to the commission.

In fixing and determining the amount of the necessary levy for the purpose provided in this section, the commission shall take into consideration the amount of revenue, if any, to be derived from the federal grants, contractual services, and miscellaneous revenues above the amount of those revenues considered necessary to be applied upon or reserved upon the operation, maintenance, and administrative expenses for working capital throughout the year.

After approval no sums may be expended except as budgeted unless the commission authorizes their expenditure. Before the expenditure of sums appropriated as provided in this section, a claim must be filed and processed as other claims for allowance or disallowance, for payment as provided by law.

Any two (2) of the following officers may allow claims:

- (1) Chairman.
- (2) Vice Chairman.
- (3) Secretary.
- (4) Treasurer.

The treasurer of the commission may receive, disburse, and otherwise handle funds of the commission subject to applicable statutes and procedures established by the commission.

The commission shall act as a board of finance under the statutes relating to the deposit of public funds by political subdivisions.

Any appropriated money remaining unexpended or unencumbered at the end of the year becomes part of a nonreverting cumulative fund to be held in the name of the commission. Unbudgeted expenditures from this fund may be authorized by vote of the commission and upon other approval as required by statute. The commission is responsible for the safekeeping and deposit of such sums, and the State Board of Accounts shall prescribe the methods and forms for keeping the accounts, records, and books to be used by the commission. The books, records, and accounts of the commission shall be periodically audited by the State Board of Accounts, and these audits shall be paid for as provided by statute. [IC 36-7-7-12]

ECONOMIC DEVELOPMENT DISTRICT

An economic development district is a group of adjacent counties that:

- (1) Contains at least two (2) redevelopment counties;
- (2) Includes an economic development growth center; and
- (3) Has been officially designated as an economic development district by the federal government under title 42, U.S.C. section 3171, on the recommendation of the state.

Counties may make payments to officially designated economic development districts. The board of directors of the economic development district shall determine the amount of the payments, which may be based on the assessed valuation or the population of each county, and the method of making the payments, subject to appropriations by the fiscal bodies of the counties comprising the economic development district.

The economic development district may receive and expend all sums appropriated or granted to it for purposes and activities authorized by law, and shall deposit these sums in its own name and follow all accounting, bonding, and auditing procedures required by law.

The economic development district is responsible for the administration, safekeeping, and deposit of any monies appropriated or granted to it, and may delegate all or part of that responsibility to a designated financial officer.

The economic development district may receive grants from federal, state, or local governments for the purpose of carrying out any of the planning and development activities of the district.

Any sums appropriated to an economic development district that remain uncommitted at the end of the budget year revert on a pro rata basis to the general funds of the counties comprising the district. IC 36-7-7-13]